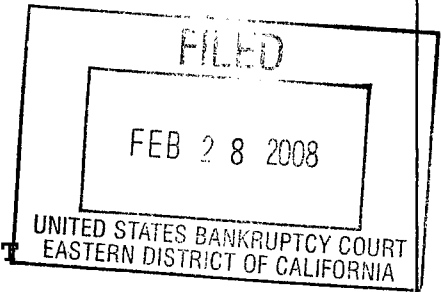


4

POSTED ON WEBSITE  
NOT FOR PUBLICATION



UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF CALIFORNIA

In re	)	Case No. 06-22225-D-7
BETSEY WARREN LEBBOS,	)	Docket Control No. [none]
	)	
Debtor.	)	
<hr/>		
OFFICE OF THE U.S. TRUSTEE,	)	Adv. Proc. No. 08-2072
	)	
Plaintiff,	)	
v.	)	
BETSEY WARREN LEBBOS,	)	
	)	
Defendant.	)	

This memorandum decision is not approved for publication and may not be cited except when relevant under the doctrine of law of the case or the rules of claim preclusion or issue preclusion.

**MEMORANDUM DECISION DENYING MOTION FOR A STAY  
OF PROCEEDINGS PENDING DETERMINATION OF APPEALS**

On February 22, 2008, Betsey Warren Lebbos ("the Debtor") filed a Motion for a Stay of Proceedings Pending Determination of Appeals in Ninth Circuit, Federal Court, and Bankruptcy Appellate Panel Concerning Policy and Practice of Discrimination Against the Disabled in the Eastern District Bankruptcy Court ("the Motion") in this bankruptcy case. On the same day, the Debtor filed similar motions in the three adversary proceedings presently pending in this bankruptcy case, Schuette v. Lebbos, Adv. No. 07-2006, Alonso v. Lebbos, Adv. No. 06-2314, and UST v. Lebbos, Adv. No. 08-02072. Each of the motions refers to certain

1 appeals from earlier orders of this court presently pending  
2 before the District Court, Ninth Circuit Bankruptcy Appellate  
3 Panel or the Ninth Circuit Court of Appeals.

4 The Debtor has appealed from numerous orders in this case  
5 including orders denying her motions to terminate the appointment  
6 of the trustee in this case and her counsel, to dismiss this  
7 case, to transfer the venue of this case, and to disqualify the  
8 undersigned as the bankruptcy judge in this case. As a defendant  
9 in Schuetz v. Lebbos, the Debtor has appealed from orders  
10 denying her motions to disqualify the undersigned, to dismiss the  
11 adversary proceeding, to transfer venue, and granting trustee's  
12 motion for terminating sanctions. Finally, as the defendant in  
13 Alonso v. Lebbos, the Debtor has appealed from orders denying her  
14 motions to disqualify the undersigned, to transfer venue, and for  
15 summary judgment.

16 The Bankruptcy Appellate Panel has issued rulings in a  
17 number of these appeals; it appears the Debtor has appealed a  
18 number of the Panel's rulings to the Ninth Circuit Court of  
19 Appeals. Still, it appears other appeals remain pending before  
20 the District Court.

21 The Motion is brought pursuant to Federal Rule of Bankruptcy  
22 Procedure 8005. It is not at all clear that the Debtor is  
23 requesting a stay of enforcement of any particular order on  
24 appeal. Rather, from the Motion, it appears more likely that the  
25 Debtor seeks a stay of the proceedings as a whole; that is, a

26 / / /

27 / / /


28 / / /

1 stay of all proceedings in the bankruptcy case and in the three  
2 adversary proceedings.<sup>1</sup> Motion at 2:15-16 and 19:19-20.

3       Either way, the court concludes that the Debtor's arguments  
4 have previously been presented in great detail, not only in the  
5 substantive motions themselves, but in prior motions for a stay  
6 pending appeal, that the court has carefully considered and  
7 sometimes reconsidered those arguments, together with the  
8 evidence presented by the Debtor, and that nothing in the present  
9 Motion persuades the court (1) that the Debtor is likely to  
10 succeed on the merits of her appeals and (2) that the absence of  
11 a stay creates the possibility of irreparable injury to her.  
12 Similarly, she has not shown the existence of serious questions  
13 going to the merits of her appeals or her intended motion, and  
14 has failed to show that a balancing of the hardships tips in her  
15 favor. See Tribal Village of Akutan v. Hodel, 859 F.2d 662, 663  
16 (9th Cir. 1988); Cadance Design Sys. v. Avant! Corp., 125 F.3d  
17 824, 826 (9th Cir. 1997).

18       Accordingly, the court will deny the Motion.

19 Dated: February 28, 2008

20   
21 ROBERT S. BARDWIL  
22 United States Bankruptcy Judge  
23  
24  
25  
26

27       1. Pursuant to Fed. R. Bankr. P. 8005, a bankruptcy judge may  
28 suspend or allow the continuation of other proceedings in the case  
during the pendency of an appeal from a particular order.

**CERTIFICATE OF MAILING**

The undersigned deputy clerk in the office of the United States Bankruptcy Court for the Eastern District of California hereby certifies that a true copy of the attached document was mailed today to the following entities listed at the address(es) shown below:

Office of the United States Trustee  
501 "T" Street, 7<sup>th</sup> Floor  
Sacramento, CA 95814

Linda Schuette  
P.O. Box 743  
Palo Cedro, CA 96073

Michael Dacquisto  
1901 Court Street  
Redding, CA 96001

Betsey Warren Lebbos  
P.O. Box 41306  
Long Beach, CA 90853-1306

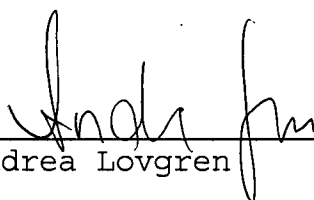
Jason Gold  
17091 Elm Street, Suite 3  
Huntington Beach, CA 92646

Thomas Carter  
P.O. Box 41175  
Long Beach, CA 90853

George Alonso, Jr.  
357 W Main Street, #203  
Merced, CA 95340

Jeralyn Spradlin  
500 E Calaveras Blvd., #203  
Milpitas, CA 95035

DATE: February 28, 2008

  
\_\_\_\_\_  
Andrea Lovgren